

Conference Engrossed

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**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
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CHAPTER 44

SENATE BILL 1041

AN ACT

AMENDING SECTIONS 15-424, 15-481, 15-491, 16-134, 16-204, 16-228, 16-312, 16-411, 16-515, 16-564, 16-580, 16-624, 16-801, 35-454, 48-144, 48-261, 48-806 AND 48-815, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-424, Arizona Revised Statutes, is amended to
3 read:

4 15-424. Election of governing board members; terms; statement
5 of contributions and expenditures

6 A. A regular election shall be held for each school district at the
7 time and place, and in the manner, of general elections as provided in title
8 16.

9 B. Except as provided in subsection C of this section and sections
10 15-429 and 15-430, the term of office for each member shall be four years
11 from January 1 next following his election.

12 C. At the first general election held for a newly formed district,
13 three members shall be elected. The candidate receiving the highest number
14 of votes shall be elected to a four year term, and the candidates having the
15 second and third highest number of votes shall be elected to two year
16 terms. A district increasing its governing board to five members shall at
17 the next general election elect members in the following manner:

18 1. If one of the previous three offices is to be filled, the three
19 candidates receiving the highest, the second highest and the third highest
20 number of votes shall be elected to four year terms.

21 2. If two of the previous three offices are to be filled, the
22 candidates receiving the highest, the second highest and the third highest
23 number of votes shall be elected to four year terms. The candidate receiving
24 the fourth highest number of votes shall be elected to a two year
25 term. Thereafter all such offices shall have four year terms.

26 D. If only one person files or no person files a nominating petition
27 OR NOMINATION PAPER FOR A WRITE-IN CANDIDATE for an election to fill a
28 district office, the board of supervisors ~~up to~~ NO EARLIER THAN seventy-five
29 days before the election, may cancel the election for the position and
30 appoint the person who filed the nominating petition to fill the
31 position. If no person files a nominating petition for an election to fill a
32 district office, the board of supervisors ~~up to~~ NO EARLIER THAN seventy-five
33 days before the election, may cancel the election for that office and that
34 office is deemed vacant and shall be filled as provided in section 15-302. A
35 person who is appointed pursuant to this ~~section~~ SUBSECTION is fully vested
36 with the powers and duties of the office as if elected to that office.

37 E. If two or more candidates receive an equal number of votes for the
38 same office, and a higher number than any other candidate for that office,
39 whether upon the tally by the school election board or canvass of returns by
40 the board of supervisors, or upon recount by a court, the officer or board
41 whose duty it is to declare the result shall determine by lot and in the
42 presence of the candidates which candidate shall be declared elected.

43 F. Position of the names of candidates for each office shall be
44 rotated so that each candidate occupies each position on the ballot an equal
45 number of times, insofar as is possible, for each ballot style. For

1 candidates seeking election to fill a vacancy on the governing board, the
2 ballot shall be designated as provided in section 16-502.

3 G. This section does not require that a school election at which no
4 member is to be elected be held on a general election day.

5 H. All candidates for the office of school district governing board
6 member shall file with the county school superintendent a statement of
7 contributions and expenditures as provided in section 16-913.

8 Sec. 2. Section 15-481, Arizona Revised Statutes, is amended effective
9 from and after June 30, 2006, to read:

10 15-481. Override election; budget increases; notice; ballot;
11 effect

12 A. If the proposed budget of a school district exceeds the aggregate
13 budget limit for the budget year, the governing board shall order an override
14 election to be held not less than ninety days from the date of the order for
15 the purpose of presenting the proposed budget to the qualified electors of
16 the school district who shall by a majority of those voting either affirm or
17 reject the budget. In addition, the governing board shall prepare an
18 alternate budget which does not include an increase in the budget of more
19 than the amount permitted as provided in section 15-905. If the qualified
20 electors approve the proposed budget, the governing board of the school
21 district shall follow the procedures prescribed in section 15-905 for
22 adopting a budget that includes the authorized increase. If the qualified
23 electors disapprove the proposed budget, the governing board shall follow the
24 procedures prescribed in section 15-905 for adopting a budget that does not
25 include the proposed increase or the portion of the proposed increase that
26 exceeds the amount authorized by a previously approved budget increase as
27 prescribed in subsection P of this section.

28 B. The county school superintendent shall prepare an informational
29 report on the proposed increase in the budget and a sample ballot and, at
30 least ~~thirty-five~~ FORTY days prior to the election, shall transmit the report
31 and the SAMPLE ballot to the governing board of the school district. ~~For a~~
32 ~~school district located in a county with a population of two hundred thousand~~
33 ~~persons or more, The governing board, upon receipt of the report and the~~
34 ~~ballot, shall mail or distribute the report and the ballot to the~~
35 ~~households, in which qualified electors reside, within the school district~~
36 ~~at least thirty THIRTY-FIVE days prior to the election. For a school~~
37 ~~district located in a county with a population of less than two hundred~~
38 ~~thousand persons, the governing board, upon receipt of the report and the~~
39 ~~ballot, shall mail or distribute the report and the ballot to the households~~
40 ~~within the school district at least thirty days prior to the election. Any~~
41 ~~distribution of material concerning the proposed increase in the budget shall~~
42 ~~not be conducted by children enrolled in the school district. The report~~
43 ~~shall contain the following information:~~

- 1 1. The date of the election.
- 2 2. The VOTER'S polling places PLACE and THE times ~~they are~~ IT IS open.
- 3 3. The proposed total increase in the budget which exceeds the amount
- 4 permitted pursuant to section 15-905.
- 5 4. The total amount of the current year's budget, the total amount of
- 6 the proposed budget and the total amount of the alternate budget.
- 7 5. If the override is for a period of more than one year, a statement
- 8 indicating the number of years the proposed increase in the budget would be
- 9 in effect and the percentage of the school district's revenue control limit
- 10 that the district is requesting for the future years.
- 11 6. The proposed total amount of revenues which will fund the increase
- 12 in the budget and the amount which will be obtained from a levy of taxes upon
- 13 the taxable property within the school district for the first year for which
- 14 the budget increase was adopted.
- 15 7. The proposed amount of revenues which will fund the increase in the
- 16 budget and which will be obtained from other than a levy of taxes upon the
- 17 taxable property within the school district for the first year for which the
- 18 budget increase was adopted.
- 19 8. The dollar amount and the purpose for which the proposed increase
- 20 in the budget is to be expended for the first year for which the budget
- 21 increase was adopted.
- 22 9. At least two arguments, if submitted, but no more than ten
- 23 arguments for and two arguments, if submitted, but no more than ten arguments
- 24 against the proposed increase in the budget. The arguments shall be in a
- 25 form prescribed by the county school superintendent and each argument shall
- 26 not exceed two hundred words. Arguments for the proposed increase in the
- 27 budget shall be provided in writing and signed by the governing board. If
- 28 submitted, additional arguments in favor of the proposed increase in the
- 29 budget shall be provided in writing and signed by those in favor. Arguments
- 30 against the proposed increase in the budget shall be provided in writing and
- 31 signed by those in opposition. The names of those persons other than the
- 32 governing board or superintendent submitting written arguments shall not be
- 33 included in the report without their specific permission, but shall be made
- 34 available only upon request to the county school superintendent. The county
- 35 school superintendent shall review all factual statements contained in the
- 36 written arguments and correct any inaccurate statements of fact. The
- 37 superintendent shall not review and correct any portion of the written
- 38 arguments which are identified as statements of the author's opinion. The
- 39 county school superintendent shall make the written arguments available to
- 40 the public as provided in title 39, chapter 1, article 2. A deadline for
- 41 submitting arguments to be included in the informational report shall be set
- 42 by the county school superintendent.
- 43 10. A statement that the alternate budget shall be adopted by the
- 44 governing board if the proposed budget is not adopted by the qualified
- 45 electors of the school district.

1 11. The full cash value, the assessed valuation and the estimated
2 amount of the secondary tax bill if the proposed budget is adopted for each
3 of the following:

4 (a) An owner-occupied residence whose assessed valuation is the
5 average assessed valuation of property classified as class three, as
6 prescribed by section 42-12003 for the current year in the school district.

7 (b) An owner-occupied residence whose assessed valuation is one-half
8 of the assessed valuation of the residence in subdivision (a) of this
9 paragraph.

10 (c) An owner-occupied residence whose assessed valuation is twice the
11 assessed valuation of the residence in subdivision (a) of this paragraph.

12 (d) A business whose assessed valuation is the average of the assessed
13 valuation of property classified as class one, as prescribed by section
14 42-12001, paragraphs 12 and 13 for the current year in the school district.

15 12. If the election is conducted pursuant to subsection L or M of this
16 section, the following information:

17 (a) An executive summary of the school district's most recent capital
18 improvement plan submitted to the school facilities board.

19 (b) A complete list of each proposed capital improvement that will be
20 funded with the budget increase and a description of the proposed cost of
21 each improvement, including a separate aggregation of capital improvements
22 for administrative purposes as defined by the school facilities board.

23 (c) The tax rate associated with each of the proposed capital
24 improvements and the estimated cost of each capital improvement for the owner
25 of a single family home that is valued at eighty thousand dollars.

26 C. For the purpose of this section, the school district may use its
27 staff, equipment, materials, buildings or other resources only to distribute
28 the informational report at the school district office or at public hearings
29 and to produce such information as required in subsection B of this section,
30 provided that nothing in this subsection shall preclude school districts from
31 holding or participating in any public hearings at which testimony is given
32 by at least one person for the proposed increase and one person against the
33 proposed increase.

34 D. The elections prescribed in subsection A of this section shall be
35 held on a date prescribed by section 16-204 and shall be conducted as nearly
36 as practicable in the manner prescribed in article 1 of this chapter,
37 sections 15-422 through 15-424 and section 15-426, relating to special
38 elections, except that:

39 1. The notices required pursuant to section 15-403 shall be posted not
40 less than twenty-five days before the election.

41 2. Ballots shall be counted pursuant to title 16, chapter 4,
42 article 10.

1 E. If the election is to exceed the revenue control limit and if the
2 proposed increase will be fully funded by a levy of taxes upon the taxable
3 property within the school district, the ballot shall contain the words
4 "budget increase, yes" and "budget increase, no", and the voter shall signify
5 his desired choice. The ballot shall also contain the amount of the proposed
6 increase of the proposed budget over the alternate budget, a statement that
7 the amount of the proposed increase will be based on a percentage of the
8 school district's revenue control limit in future years, if applicable, as
9 provided in subsection P of this section and the following statement:

10 Any budget increase authorized by this election shall be
11 entirely funded by a levy of taxes upon the taxable property
12 within this school district for the year for which adopted and
13 for ____ subsequent years, shall not be realized from monies
14 furnished by the state and shall not be subject to the
15 limitation on taxes specified in article IX, section 18,
16 Constitution of Arizona. Based on an estimate of assessed
17 valuation used for secondary property tax purposes, the proposed
18 increase in the school district's budget over that allowed by
19 law would result in an estimated increase in the school
20 district's tax rate of _____ dollar per one hundred
21 dollars of assessed valuation used for secondary property tax
22 purposes and is in addition to the school district's tax rate
23 which will be levied to fund the school district's revenue
24 control limit allowed by law.

25 F. If the election is to exceed the revenue control limit and if the
26 proposed increase will be fully funded by revenues from other than a levy of
27 taxes upon the taxable property within the school district, the ballot shall
28 contain the words "budget increase, yes" and "budget increase, no", and the
29 voter shall signify the voter's desired choice. The ballot shall also
30 contain:

31 1. The amount of the proposed increase of the proposed budget over the
32 alternate budget.

33 2. A statement that the amount of the proposed increase will be based
34 on a percentage of the school district's revenue control limit in future
35 years, if applicable, as provided in subsection P of this section.

36 3. The following statement:

37 Any budget increase authorized by this election shall be
38 entirely funded by this school district with revenues from other
39 than a levy of taxes on the taxable property within the school
40 district for the year for which adopted and for ____
41 subsequent years and shall not be realized from monies furnished
42 by the state.

43 G. Except as provided in subsection H of this section, the maximum
44 budget increase which may be requested and authorized as provided in
45 subsection E or F of this section or the combination of subsections E and F

of this section is ten per cent of the revenue control limit as provided in section 15-947, subsection A for the budget year.

H. Special budget override provisions for school districts with a student count of less than one hundred fifty-four in kindergarten programs and grades one through eight or with a student count of less than one hundred seventy-six in grades nine through twelve are as follows:

1. The maximum budget increase that may be requested and authorized as provided in subsections E and F of this section is the greater of the amount prescribed in subsection G of this section or a limit computed as follows:

(a) For common or unified districts with a student count of less than one hundred fifty-four in kindergarten programs and grades one through eight, the limit computed as prescribed in item (i) or (ii) of this subdivision, whichever is appropriate:

(i)

Student Count	Small School Student Count Limit	Support Level Weight for Small Isolated School Districts	Phase Down Reduction Factor
	125	$1.358 + (0.0005 \times (500 - \text{Student Count}))$	$\text{Base Level} \times \$ = \$$
	Phase Down Base	Phase Down Reduction Factor	Small Isolated School District Elementary Limit
	\$150,000	\$	= \$

(ii)

Student Count	Small School Student Count Limit	Support Level Weight for Small School Districts	Phase Down Reduction Factor
	125	$1.278 + (0.0003 \times (500 - \text{Student Count}))$	$\text{Base Level} \times \$ = \$$
	Phase Down Base	Phase Down Reduction Factor	Small School District Elementary Limit
	\$150,000	\$	= \$

(b) For unified or union high school districts with a student count of less than one hundred seventy-six in grades nine through twelve, the limit computed as prescribed in item (i) or (ii) of this subdivision, whichever is appropriate:

(i)

Student Count	Small School Student Count Limit	Support Level Weight for Small Isolated School Districts	Phase Down Reduction Factor
	100	$1.468 + (0.0005 \times (500 - \text{Student Count}))$	$\text{Base Level} \times \$ = \$$

1				Small Isolated
2		Phase Down	Phase Down	District
3		<u>Base</u>	<u>Reduction Factor</u>	<u>Secondary Limit</u>
4		\$350,000	- \$	= \$
5	(ii)			
6		Small School	Support Level Weight	Phase Down
7	Student	Student	for Small	Reduction
8	<u>Count</u>	<u>Count Limit</u>	<u>School Districts</u>	<u>Base Level</u> <u>Factor</u>
9	-	100	x 1.398 + (0.0004 x	x \$ = \$
10			(500 - Student Count))	
11				Small
12		Phase Down	Phase Down	School District
13		<u>Base</u>	<u>Reduction Factor</u>	<u>Secondary Limit</u>
14		\$350,000	- \$	= \$

(c) If both subdivisions (a) and (b) of this paragraph apply to a unified school district, its limit for the purposes of this paragraph is the combination of its elementary limit and its secondary limit.

(d) If only subdivision (a) or (b) of this paragraph applies to a unified school district, the district's limit for the purposes of this paragraph is the sum of the limit computed as provided in subdivision (a) or (b) of this paragraph plus ten per cent of the revenue control limit attributable to those grade levels that do not meet the eligibility requirements of this subsection. If a school district budgets monies outside the revenue control limit pursuant to section 15-949, subsection E, the district's limit for the purposes of this paragraph is only the ten per cent of the revenue control limit attributable to those grade levels that are not included under section 15-949, subsection E. For the purposes of this subdivision, the revenue control limit is separated into elementary and secondary components based on the weighted student count as provided in section 15-971, subsection B, paragraph 2, subdivision (a).

2. If a school district utilizes the provisions of this subsection to request an override of more than one year, the ballot shall include an estimate of the amount of the proposed increase in the future years in place of the statement that the amount of the proposed increase will be based on a percentage of the school district's revenue control limit in future years, as prescribed in subsections E and F of this section.

3. Notwithstanding subsection P of this section, the maximum period of an override authorized pursuant to this subsection is five years.

4. Subsection P, paragraphs 1 and 2 of this section do not apply to overrides authorized pursuant to this subsection.

1. If the election is to exceed the revenue control limit as provided in section 15-482 and if the proposed increase will be fully funded by a levy of taxes on the taxable property within the school district, the ballot shall contain the words "budget increase, yes" and "budget increase, no", and the voter shall signify the voter's desired choice. The ballot shall also

1 contain the amount of the proposed increase of the budget over the alternate
2 budget, a statement that the amount of the proposed increase will be based on
3 a percentage of the school district's revenue control limit in future years,
4 if applicable, as provided in subsection Q of this section, and the following
5 statement:

6 Any budget increase authorized by this election shall be
7 entirely funded by a levy of taxes on the taxable property
8 within this school district for the year for which adopted and
9 for _____ subsequent years, shall not be realized from monies
10 furnished by the state and shall not be subject to the
11 limitation on taxes specified in article IX, section 18,
12 Constitution of Arizona. Based on an estimate of assessed
13 valuation used for secondary property tax purposes, the portion
14 of the proposed increase in the school district's budget over
15 that allowed by law which will be funded by a levy of taxes upon
16 the taxable property within this school district would result in
17 an estimated increase in the school district's tax rate of
18 _____ dollar per one hundred dollars of assessed valuation
19 used for secondary property tax purposes and is in addition to
20 the school district's tax rate that will be levied to fund the
21 school district's revenue control limit allowed by law.

22 J. If the election is to exceed the revenue control limit as provided
23 in section 15-482 and if the proposed increase will be fully funded by
24 revenues other than a levy of taxes on the taxable property within the school
25 district, the ballot shall contain the words "budget increase, yes" and
26 "budget increase, no", and the voter shall signify the voter's desired
27 choice. The ballot shall also contain the amount of the proposed increase of
28 the proposed budget over the alternate budget, a statement that the amount of
29 the proposed increase will be based on a percentage of the school district's
30 revenue control limit in future years, if applicable, as provided in
31 subsection Q of this section and the following statement:

32 Any budget increase authorized by this election shall be
33 entirely funded by this school district with revenues from other
34 than a levy of taxes on the taxable property within the school
35 district for the year for which adopted and for _____ subsequent
36 years and shall not be realized from monies furnished by the
37 state.

38 K. The maximum budget increase that may be requested and authorized as
39 provided in subsection I or J of this section, or a combination of both of
40 these subsections, is five per cent of the revenue control limit as provided
41 in section 15-947, subsection A for the budget year. For a unified school
42 district, a common school district not within a high school district or a
43 common school district within a high school district that offers instruction
44 in high school subjects as provided in section 15-447, five per cent of the
45 revenue control limit means five per cent of the revenue control limit

1 attributable to the weighted student count in preschool programs for children
2 with disabilities, kindergarten programs and grades one through eight as
3 provided in section 15-971, subsection B.

4 L. If the election is to exceed the capital outlay revenue limit and
5 if the proposed increase will be fully funded by a levy of taxes upon the
6 taxable property within the school district, the ballot shall contain the
7 words "budget increase, yes" and "budget increase, no", and the voter shall
8 signify the voter's desired choice. An election held pursuant to this
9 subsection shall be held on the first Tuesday after the first Monday of
10 November. The ballot shall also contain the amount of the proposed increase
11 of the proposed budget over the alternate budget and the following statement:

12 Any budget increase authorized by this election shall be
13 entirely funded by a levy of taxes upon the taxable property
14 within this school district for the year in which adopted and
15 for _____ subsequent years, shall not be realized from monies
16 furnished by the state and shall not be subject to the
17 limitation on taxes specified in article IX, section 18,
18 Constitution of Arizona. Based on an estimate of assessed
19 valuation used for secondary property tax purposes, the proposed
20 increase in the school district's budget over that allowed by
21 law would result in an estimated increase in the school
22 district's tax rate of _____ dollar per one hundred
23 dollars of assessed valuation used for secondary property tax
24 purposes and is in addition to the school district's tax rate
25 which will be levied to fund the school district's capital
26 outlay revenue limit allowed by law.

27 M. If the election is to exceed the capital outlay revenue limit and
28 if the proposed increase will be fully funded by revenues from other than a
29 levy of taxes upon the taxable property within the school district, the
30 ballot shall contain the words "budget increase, yes" and "budget increase,
31 no", and the voter shall signify the voter's desired choice. An election
32 held pursuant to this subsection shall be held on the first Tuesday after the
33 first Monday of November. The ballot shall also contain the amount of the
34 proposed increase of the proposed budget over the alternate budget and the
35 following statement:

36 Any budget increase authorized by this election shall be
37 entirely funded by this school district with revenues from other
38 than a levy of taxes on the taxable property within the school
39 district for the year in which adopted and for _____ subsequent
40 years and shall not be realized from monies furnished by the
41 state.

42 N. If the election is to exceed a combination of the revenue control
43 limit as provided in subsection E or F of this section, the revenue control
44 limit as provided in subsection I or J of this section or the capital outlay
45 revenue limit as provided in subsection L or M of this section, the ballot

1 shall be prepared so that the voters may vote on each proposed increase
2 separately and shall contain statements required in the same manner as if
3 each proposed increase were submitted separately.

4 O. If the election provides for a levy of taxes on the taxable
5 property within the school district, at least thirty days prior to the
6 election, the department of revenue shall provide the school district
7 governing board and the county school superintendent with an estimate of the
8 school district's assessed valuation used for secondary property tax purposes
9 for the ensuing fiscal year. The governing board and the county school
10 superintendent shall use this estimate to translate the amount of the
11 proposed dollar increase in the budget of the school district over that
12 allowed by law into a tax rate figure.

13 P. If the voters in a school district vote to adopt a budget in excess
14 of the revenue control limit as provided in subsection E or F of this
15 section, any additional increase shall be included in the aggregate budget
16 limit for each of the years authorized. Any additional increase shall be
17 excluded from the determination of equalization assistance. The school
18 district governing board may, however, levy on the assessed valuation used
19 for secondary property tax purposes of the property in the school district
20 the additional increase if adopted under subsection E of this section for the
21 period of one year, two years or five through seven years as authorized. If
22 an additional increase is approved as provided in subsection F of this
23 section, the school district governing board may only use revenues derived
24 from the school district's prior year's maintenance and operation fund ending
25 cash balance to fund the additional increase. If a budget increase was
26 previously authorized and will be in effect for the budget year or budget
27 year and subsequent years, as provided in subsection E or F of this section,
28 the governing board may request a new budget increase as provided in the same
29 subsection under which the prior budget increase was adopted which shall not
30 exceed the maximum amount permitted under subsection G of this section. If
31 the voters in the school district authorize the new budget increase amount,
32 the existing budget increase no longer is in effect. If the voters in the
33 school district do not authorize the budget increase amount, the existing
34 budget increase remains in effect for the time period for which it was
35 authorized. The maximum additional increase authorized as provided in
36 subsection E or F of this section and the additional increase which is
37 included in the aggregate budget limit is based on a percentage of a school
38 district's revenue control limit in future years, if the budget increase is
39 authorized for more than one year. If the additional increase:

40 1. Is for two years, the proposed increase in the second year is equal
41 to the initial proposed percentage increase.

42 2. Is for five years or more, the proposed increase is equal to the
43 initial proposed percentage increase in the following years of the proposed
44 increase, except that in the next to last year it is two-thirds of the

1 initial proposed percentage increase and it is one-third of the initial
2 proposed percentage increase in the last year of the proposed increase.

3 Q. If the voters in a school district vote to adopt a budget in excess
4 of the revenue control limit as provided in subsection I or J of this
5 section, any additional increase shall be included in the aggregate budget
6 limit for each of the years authorized. Any additional increase shall be
7 excluded from the determination of equalization assistance. The school
8 district governing board, however, may levy on the assessed valuation used
9 for secondary property tax purposes of the property in the school district
10 the additional increase if adopted under subsection I of this section for the
11 period of one year, two years or five through seven years as authorized. If
12 an additional increase is approved as provided in subsection J of this
13 section, the increase may only be budgeted and expended if sufficient monies
14 are available in the maintenance and operation fund of the school district.
15 If a budget increase was previously authorized and will be in effect for the
16 budget year or budget year and subsequent years, as provided in subsection I
17 or J of this section, the governing board may request a new budget increase
18 as provided in the same subsection under which the prior budget increase was
19 adopted that does not exceed the maximum amount permitted under subsection K
20 of this section. If the voters in the school district authorize the new
21 budget increase amount, the existing budget increase no longer is in
22 effect. If the voters in the school district do not authorize the budget
23 increase amount, the existing budget increase remains in effect for the time
24 period for which it was authorized. The maximum additional increase
25 authorized as provided in subsection I or J of this section and the
26 additional increase that is included in the aggregate budget limit is based
27 on a percentage of a school district's revenue control limit in future years,
28 if the budget increase is authorized for more than one year. If the
29 additional increase:

30 1. Is for two years, the proposed increase in the second year is equal
31 to the initial proposed percentage increase.

32 2. Is for five years or more, the proposed increase is equal to the
33 initial proposed percentage increase in the following years of the proposed
34 increase, except that in the next to last year it is two-thirds of the
35 initial proposed percentage increase and it is one-third of the initial
36 proposed percentage increase in the last year of the proposed increase.

37 R. If the voters in a school district vote to adopt a budget in excess
38 of the capital outlay revenue limit as provided in subsection L of this
39 section, any additional increase shall be included in the aggregate budget
40 limit for each of the years authorized. The additional increase shall be
41 excluded from the determination of equalization assistance. The school
42 district governing board may, however, levy on the assessed valuation used
43 for secondary property tax purposes of the property in the school district
44 the additional increase for the period authorized but not to exceed ten
45 years. For overrides approved by a vote of the qualified electors of the

1 school district at an election held from and after October 31, 1998, the
2 period of the additional increase prescribed in this subsection shall not
3 exceed seven years for any capital override election.

4 S. If the voters in a school district vote to adopt a budget in excess
5 of the capital outlay revenue limit as provided in subsection M of this
6 section, any additional increase shall be included in the aggregate budget
7 limit for each of the years authorized. The additional increase shall be
8 excluded from the determination of equalization assistance. The school
9 district governing board may only use revenues derived from the school
10 district's prior year's maintenance and operation fund ending cash balance
11 and capital outlay fund ending cash balance to fund the additional increase
12 for the period authorized but not to exceed ten years. For overrides
13 approved by a vote of the qualified electors of the school district at an
14 election held from and after October 31, 1998, the period of the additional
15 increase prescribed in this subsection shall not exceed seven years for any
16 capital override election.

17 T. In addition to subsections P and S of this section, from the
18 maintenance and operation fund and capital outlay fund ending cash balances,
19 the school district governing board shall first use any available revenues to
20 reduce its primary tax rate to zero and shall use any remaining revenues to
21 fund the additional increase authorized as provided in subsections F and M of
22 this section.

23 U. If the voters in a school district disapprove the proposed budget,
24 the alternate budget which, except for any budget increase authorized by a
25 prior election, does not include an increase in the budget in excess of the
26 amount provided in section 15-905 shall be adopted by the governing board as
27 provided in section 15-905.

28 V. The governing board may request that any override election be
29 cancelled if any change in chapter 9 of this title changes the amount of the
30 aggregate budget limit as provided in section 15-905. The request to cancel
31 the override election shall be made to the county school superintendent at
32 least ten days prior to the date of the scheduled override election.

33 W. For any election conducted pursuant to subsection L or M of this
34 section:

35 1. The ballot shall include the following statement in addition to any
36 other statement required by this section:

37 The capital improvements that are proposed to be funded
38 through this override election are to exceed the state standards
39 and are in addition to monies provided by the state.

40 _____ school district is proposing to increase its
41 budget by \$_____ to fund capital improvements over and
42 above those funded by the state. Under the students first
43 capital funding system, _____ school district is entitled to
44 state monies for building renewal, new construction and
45 renovation of school buildings in accordance with state law.

1 2. The ballot shall contain the words "budget increase, yes" and
2 "budget increase, no", and the voter shall signify the voter's desired
3 choice.

4 3. At least eighty-five days before the election, the school district
5 shall submit proposed ballot language to the director of the Arizona
6 legislative council. The director of the Arizona legislative council shall
7 review the proposed ballot language to determine whether the proposed ballot
8 language complies with this section. If the director of the Arizona
9 legislative council determines that the proposed ballot language does not
10 comply with this section, the director, within ten calendar days of the
11 receipt of the proposed ballot language, shall notify the school district of
12 the director's objections and the school district shall resubmit revised
13 ballot language to the director for approval.

14 X. If the voters approve the budget increase pursuant to subsection L
15 or M of this section, the school district shall not use the override proceeds
16 for any purposes other than the proposed capital improvements listed in the
17 publicity pamphlet, except that up to ten per cent of the override proceeds
18 may be used for general capital expenses, including cost overruns of proposed
19 capital improvements.

20 Y. Each school district that currently increases its budget pursuant
21 to subsection L or M of this section is required to hold a public meeting
22 each year between September 1 and October 31 at which an update of the
23 progress of capital improvements financed through the override is discussed
24 and at which the public is permitted an opportunity to comment. At a
25 minimum, the update shall include a comparison of the current status and the
26 original projections on the construction of capital improvements, the costs
27 of capital improvements and the costs of capital improvements in progress or
28 completed since the prior meeting and the future capital plans of the school
29 district. The school district shall include in the public meeting a
30 discussion of the school district's use of state capital aid and
31 voter-approved bonding in funding capital improvements, if any.

32 Z. If a budget in excess of the capital outlay revenue limit was
33 previously adopted by the voters in a school district and will be in effect
34 for the budget year or budget year and subsequent years, as provided in
35 subsection L or M of this section, the governing board may request an
36 additional budget in excess of the capital outlay revenue limit. If the
37 voters in a school district authorize the additional budget in excess of the
38 capital outlay revenue limit, the existing capital outlay revenue limit
39 budget increase remains in effect.

40 Sec. 3. Section 15-491, Arizona Revised Statutes, is amended effective
41 from and after June 30, 2006, to read:

42 15-491. Elections on school property: exceptions

43 A. The governing board of a school district may, and upon petition of
44 fifteen per cent of the school electors as shown by the poll list at the last

1 preceding annual school election shall, call an election for the following
2 purposes:

3 1. To locate or change the location of school buildings.

4 2. To purchase or sell school sites or buildings or sell school sites
5 pursuant to section 15-342 or to build school buildings, but the
6 authorization by vote of the school district shall not necessarily specify
7 the site to be purchased.

8 3. To decide whether the bonds of the school district shall be issued
9 and sold for the purpose of raising money for purchasing or leasing school
10 lots, for building or renovating school buildings, for improving school
11 grounds, for purchasing pupil transportation vehicles or for liquidating any
12 indebtedness already incurred for such purposes. Except as provided in
13 section 15-1021, subsection H, the proceeds of class B bonds or impact aid
14 revenue bonds shall not be used for soft capital purposes except for pupil
15 transportation vehicles. A school district shall not issue class B bonds
16 until the school district has obligated in contract the entire proceeds of
17 any class A bonds issued by the school district. The total amount of class A
18 and class B bonds issued by a school district shall not exceed the debt
19 limitations prescribed in article IX, sections 8 and 8.1, Constitution of
20 Arizona.

21 4. To lease for five or more years, as lessor or as lessee, school
22 buildings or grounds. Approval by a majority of the school district electors
23 voting authorizes the governing board to negotiate for and enter into a
24 lease. The ballot shall list the school buildings or grounds for which a
25 lease is sought. If the governing board does not enter into a lease of five
26 or more years of the school buildings or grounds listed on the ballot within
27 five years of the date of the election and the board continues to seek such a
28 lease, the governing board shall call a special election to reauthorize the
29 board to negotiate for and to enter into a lease of five or more years.

30 B. No petition shall be required for the holding of the first election
31 to be held in a joint common school district for any of the purposes
32 specified in subsection A of this section. The notice of election required
33 by section 15-492 shall be published in each of the counties which comprise
34 the joint common school district. The certification of election results
35 required by section 15-493 shall be made to the board of supervisors of the
36 jurisdictional county.

37 C. When the election is called to determine whether or not bonds of
38 the school district shall be issued and sold for the purposes enumerated in
39 the call for the election, the question shall be submitted to the vote of the
40 qualified electors of the school district as defined in section 15-401 and
41 subject to the provisions of section 15-402.

42 D. The governing board shall order the election to be held in the
43 manner prescribed in title 35, chapter 3, article 3. If a petition for an
44 election has been filed with the governing board as provided in subsection A
45 of this section, the board shall act upon the petition within sixty days by

1 ordering the election to be held as provided in this subsection. If a school
2 district bond election is scheduled for the same date a school district will
3 hold an override election, the governing body shall deliver a copy of the
4 notice of election and ballot to the county school superintendent who shall
5 include the notice of election and ballot with the information report and
6 ballot prepared for the override election. Mailing of the information
7 required for both the override and bond elections shall constitute compliance
8 with the notice provisions of this section.

9 E. The elections to be held pursuant to this section shall only be
10 held on dates prescribed by section 16-204, except that elections held
11 pursuant to this section to decide whether class B bonds shall be issued
12 shall only be held on the first Tuesday after the first Monday of November.

13 F. Subsection A, paragraph 2 of this section does not apply to the
14 sale of school property if the market value of the school property is less
15 than fifty thousand dollars.

16 G. Bond counsel fees, financial advisory fees, printing costs and
17 paying agent and registrar fees for bonds issued pursuant to an election
18 under this section shall be paid from either the amount authorized by the
19 qualified electors of the school district or current operating funds. Bond
20 election expenses shall be paid from current operating funds only.

21 H. For any election conducted to decide whether class B bonds will be
22 issued pursuant to this section:

23 1. Except as provided in paragraph 2 of this subsection, the ballot
24 shall include the following statement:

25 The capital improvements that are proposed to be funded
26 through this bond issuance are to exceed the state standards and
27 are in addition to monies provided by the state.

28 _____ school district is proposing to issue class B
29 general obligation bonds totaling \$_____ to fund capital
30 improvements over and above those funded by the state. Under the
31 students first capital funding system, _____ school district
32 is entitled to state monies for building renewal, new
33 construction and renovation of school buildings in accordance
34 with state law.

35 2. For a school district that is a joint technological education
36 district, the ballot shall include the following statement:

37 _____, a joint technological education district, is
38 proposing to issue class B general obligation bonds totaling
39 \$_____ to fund capital improvements at the main campus of
40 the joint technological education district.

41 3. The ballot shall contain the words "bond approval, yes" and "bond
42 approval, no", and the voter shall signify the voter's desired choice.

43 4. The ballot shall also contain the phrase "the issuance of these
44 bonds will result in an annual levy of property taxes sufficient to pay the
45 debt on the bonds".

1 5. At least eighty-five days before the election, the school district
2 shall submit proposed ballot language to the director of the Arizona
3 legislative council. The director of the Arizona legislative council shall
4 review the proposed ballot language to determine whether the proposed ballot
5 language complies with this section. If the director of the Arizona
6 legislative council determines that the proposed ballot language does not
7 comply with this section, the director, within ten calendar days of the
8 receipt of the proposed ballot language, shall notify the school district of
9 the director's objections and the school district shall resubmit revised
10 ballot language to the director for approval.

11 6. No later than ~~ten~~ THIRTY-FIVE days before a class B bond election
12 conducted pursuant to this section, the school district shall mail A
13 PUBLICITY PAMPHLET to each HOUSEHOLD THAT CONTAINS A qualified elector in the
14 school district ~~a publicity pamphlet~~. The publicity pamphlet shall contain,
15 at a minimum, the following information:

16 (a) An executive summary of the school district's most recent capital
17 plan submitted to the school facilities board.

18 (b) A complete list of each proposed capital improvement that will be
19 funded with the proceeds of the bonds and a description of the proposed cost
20 of each improvement, including a separate aggregation of capital improvements
21 for administrative purposes as defined by the school facilities board.

22 (c) The tax rate associated with each of the proposed capital
23 improvements and the estimated cost of each capital improvement for the owner
24 of a single family home that is valued at one hundred thousand dollars.

25 I. For any election conducted to decide whether impact aid revenue
26 bonds shall be issued pursuant to this section:

27 1. The ballot shall include the following statement:

28 The capital improvements that are proposed to be funded
29 through this bond issuance are to exceed the state standards and
30 are in addition to monies provided by the state.

31 _____ school district is proposing to issue impact
32 aid revenue bonds totaling \$_____ to fund capital
33 improvements over and above those funded by the state. Under
34 the students first capital funding system, _____ school
35 district is entitled to state monies for building renewal, new
36 construction and renovation of school buildings in accordance
37 with state law.

38 2. The ballot shall contain the words "bond approval, yes" and "bond
39 approval, no", and the voter shall signify the voter's desired choice.

40 3. At least eighty-five days before the election, the school district
41 shall submit proposed ballot language to the director of the legislative
42 council. The director of the legislative council shall review the proposed
43 ballot language to determine whether the proposed ballot language complies
44 with this section. If the director of the legislative council determines
45 that the proposed ballot language does not comply with this section, the

1 director, within ten calendar days of the receipt of the proposed ballot
2 language, shall notify the school district of the director's objections and
3 the school district shall resubmit revised ballot language to the director
4 for approval.

5 4. No later than ~~ten~~ THIRTY-FIVE days before an impact aid revenue
6 bond election conducted pursuant to this section, the school district shall
7 mail A PUBLICITY PAMPHLET to each HOUSEHOLD THAT CONTAINS A qualified elector
8 in the school district ~~a publicity pamphlet~~. The publicity pamphlet shall
9 contain, at a minimum, the following information:

10 (a) THE DATE OF THE ELECTION.

11 (b) THE VOTER'S POLLING PLACE AND THE TIMES IT IS OPEN.

12 ~~(a)~~ (c) An executive summary of the school district's most recent
13 capital plan submitted to the school facilities board.

14 ~~(b)~~ (d) A complete list of each proposed capital improvement that
15 will be funded with the proceeds of the bonds and a description of the
16 proposed cost of each improvement, including a separate aggregation of
17 capital improvements for administrative purposes as defined by the school
18 facilities board.

19 ~~(c)~~ (e) A statement that impact aid revenue bonds will be fully
20 funded by aid that the school district receives from the federal government
21 and do not require a levy of taxes in the district.

22 ~~(d)~~ (f) A statement that if the bonds are approved the first priority
23 for the impact aid will be to pay the debt service for the bonds and that
24 other uses of the monies are prohibited until the debt service obligation is
25 met.

26 ~~(e)~~ (g) A statement that if the impact aid revenue bonds are
27 approved, the school district shall not issue or sell class B bonds while the
28 district has existing indebtedness from impact aid revenue bonds, except for
29 bonds issued to refund any bonds issued by the board.

30 J. If the voters approve the issuance of school district class B bonds
31 or impact aid revenue bonds, the school district shall not use the bond
32 proceeds for any purposes other than the proposed capital improvements listed
33 in the publicity pamphlet, except that up to ten per cent of the bond
34 proceeds may be used for general capital expenses, including cost overruns of
35 proposed capital improvements.

36 K. Each school district that issues bonds under this section is
37 required to hold a public meeting each year between September 1 and October
38 31, until the bond proceeds are spent, at which an update of the progress of
39 capital improvements financed through bonding is discussed and at which the
40 public is permitted an opportunity to comment. At a minimum, the update
41 shall include a comparison of the current status and the original projections
42 on the construction of capital improvements, the costs of capital
43 improvements and the costs of capital improvements in progress or completed
44 since the prior meeting and the future capital bonding plans of the school
45 district. The school district shall include in the public meeting a

1 discussion of the school district's use of state capital aid and
2 voter-approved capital overrides in funding capital improvements, if any.

3 Sec. 4. Section 16-134, Arizona Revised Statutes, is amended to read:

4 16-134. Return of registrations made outside office of county
5 recorder; incomplete or illegible forms

6 A. A county recorder shall authorize persons to accept registration
7 forms, shall designate places for receipt of registration forms and shall
8 designate additional locations for distribution of voter registration forms.
9 Public assistance agencies and disabilities agencies as defined in section
10 16-140 shall return or mail completed voter registrations to the county
11 recorder of the county in which the applicant resides within five days after
12 receipt of those registrations.

13 B. If the information on the registration form is incomplete or
14 illegible and the county recorder is not able to process the registration
15 form, the county recorder shall notify the applicant within ten business days
16 of receipt of the registration form, shall specify the missing or illegible
17 information and, if the missing or illegible information includes any of the
18 information prescribed by section 16-121.01, subsection A, shall state that
19 the registration cannot be completed until the information is supplied. IF
20 THE MISSING OR ILLEGIBLE INFORMATION IS SUPPLIED BEFORE 7:00 P.M. ON ELECTION
21 DAY, THAT PERSON IS DEEMED TO HAVE BEEN REGISTERED ON THE DATE THE
22 REGISTRATION WAS FIRST RECEIVED.

23 C. In the case of registration by mail, a voter registration is valid
24 for an election if it complies with either of the following:

25 1. The form is postmarked twenty-nine days or more before an election
26 and is received by the county recorder by 7:00 p.m. on the day of that
27 election.

28 2. The registration is dated twenty-nine days or more before an
29 election and is received by the county recorder BY FIRST CLASS MAIL within
30 five days after the last day to register to vote in that election.

31 D. The date of registration entered for registration forms that are
32 received by the county recorder from persons, groups or agencies that are not
33 authorized to accept registrations pursuant to subsection A of this section
34 and that do not bear a legible postmark date or an otherwise reliable date
35 shall be the date that those forms are received by the county recorder.

36 Sec. 5. Section 16-204, Arizona Revised Statutes, is amended to read:

37 16-204. Declaration of statewide concern; consolidated election
38 dates

39 A. While the legislature recognizes that the method of conducting
40 elections by political subdivisions, including charter counties and cities,
41 may be a matter of local concern, the legislature finds and determines that
42 for the purposes of increasing voter participation and for decreasing the
43 costs to the taxpayers it is a matter of statewide concern that all elections
44 in this state be conducted on a limited number of days and, therefore, the

1 legislature finds and declares that the holding of all elections on certain
2 specific consolidated days is a matter of statewide concern.

3 B. Notwithstanding any other law or any charter or ordinance of any
4 county, city or town to the contrary, an election held for or on behalf of a
5 county, city or town, a school district, a community college district or
6 special districts organized pursuant to title 48, chapters 5, 6, 8, 10, 13
7 through 16 and 33 may only be held on the following dates:

8 1. EXCEPT FOR REGULAR ELECTIONS FOR CANDIDATES IN A CITY OR TOWN WITH
9 A POPULATION OF ONE HUNDRED SEVENTY-FIVE THOUSAND OR MORE PERSONS, ALL
10 ELECTIONS, INCLUDING RECALL ELECTIONS AND SPECIAL ELECTIONS TO FILL
11 VACANCIES, SHALL BE HELD ON:

12 ~~1-~~ (a) The second Tuesday in March.

13 ~~2-~~ (b) The third Tuesday in May.

14 ~~3-~~ (c) The eighth Tuesday before the first Tuesday after the first
15 Monday in November.

16 ~~4-~~ (d) The first Tuesday after the first Monday in November.

17 2. FOR REGULAR ELECTIONS THAT ARE ONLY FOR CANDIDATES IN A CITY OR
18 TOWN WITH A POPULATION OF ONE HUNDRED SEVENTY-FIVE THOUSAND OR MORE PERSONS
19 AND NOT INCLUDING RECALL ELECTIONS AND SPECIAL ELECTIONS TO FILL VACANCIES IN
20 THOSE CITIES OR TOWNS, ELECTIONS SHALL BE HELD ON:

21 (a) THE EIGHTH TUESDAY BEFORE THE FIRST TUESDAY AFTER THE FIRST MONDAY
22 IN NOVEMBER.

23 (b) THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER.

24 C. FOR ANY CITY OR TOWN, INCLUDING A CHARTER CITY, THAT HOLDS ITS
25 REGULARLY SCHEDULED CANDIDATE ELECTIONS IN EVEN-NUMBERED YEARS PURSUANT TO
26 SUBSECTION B, PARAGRAPH 2, INCLUDING A CHARTER CITY, THE TERM OF OFFICE FOR A
27 MEMBER OF THE CITY COUNCIL OR FOR THE OFFICE OF MAYOR BEGINS ON OR AFTER THE
28 SECOND TUESDAY IN JANUARY IN THE YEAR FOLLOWING THE ELECTION.

29 ~~E-~~ D. This section does not apply to an election regarding a county
30 or city charter committee or county or city charter proposal that is
31 conducted pursuant to article XIII, section 2 or 3 or article XII, section 5,
32 Constitution of Arizona.

33 Sec. 6. Section 16-228, Arizona Revised Statutes, is amended to read:

34 16-228. Notice of election for nonpartisan elections

35 A. The governing body shall publish a notice of election at least
36 twice in a newspaper of general circulation in the election district in which
37 a nonpartisan election is being held not less than one week apart during the
38 six calendar weeks preceding twenty days before the election. This notice
39 shall contain at least:

40 1. The date of the election.

41 2. The location of the polls.

42 3. The hours the polls will be open.

43 4. The purpose of the election.

44 5. The election district conducting the election.

1 B. In lieu of publishing the notice described in subsection A, the
2 governing body may, and for a nonresident qualified elector of any special
3 district shall, mail a notice of election to each household containing a
4 qualified elector of the district. Such notice shall contain the same
5 information described in subsection A ~~and be mailed not later than ten days~~
6 ~~before the election~~, PARAGRAPHS 1, 4 AND 5 AND THE POLLING PLACE FOR THAT
7 HOUSEHOLD'S QUALIFIED ELECTORS AND THE TIMES IT IS OPEN. MAILINGS MAY BE
8 MADE OVER A PERIOD OF DAYS BUT SHALL BE MAILED IN ORDER TO BE DELIVERED TO
9 HOUSEHOLDS BEFORE THE EARLIEST DATE OF MAILING TO REGISTERED VOTERS OF ANY
10 REQUESTED EARLY BALLOTS FOR THAT ELECTION.

11 C. In mail ballot elections, the governing body shall publish a notice
12 of election at least twice in a newspaper of general circulation in the
13 special district in which the election is being held once a week during each
14 of the two weeks immediately preceding the thirty days before the
15 election. This notice shall contain at least:

- 16 1. The date of the election.
- 17 2. The date ballots will be mailed.
- 18 3. The deadline and location for return of the ballots.
- 19 4. The method for obtaining a replacement if a ballot is destroyed,
20 lost, spoiled or not received.
- 21 5. A statement that no polling place will be provided.
- 22 6. The name of the district that is conducting the election.
- 23 7. The qualifications of electors.

24 D. In lieu of publishing the notice described in subsection C, the
25 governing body may, and for a nonresident qualified elector of any special
26 district shall, mail a notice of election to each household containing a
27 qualified elector of the district. The notice shall contain the same
28 information described in subsection C and shall be mailed not later than
29 forty-five days before the election.

30 Sec. 7. Section 16-312, Arizona Revised Statutes, is amended to read:

31 16-312. Filing of nomination papers for write-in candidates

32 A. EXCEPT FOR AN ELECTION THAT HAS BEEN CANCELED, any person desiring
33 to become a write-in candidate for an elective office in any election shall
34 file a nomination paper, signed by the candidate, giving the person's actual
35 residence address or description of place of residence and post office
36 address, age, length of residence in the state and date of birth.

37 B. A write-in candidate shall file the nomination paper no later than
38 5:00 p.m. on the fortieth day prior to the election, except that a candidate
39 running as a write-in candidate as provided in section 16-343, subsection D,
40 shall file the nomination paper no later than 5:00 p.m. on the fifth day
41 before the election. The write-in filing procedure shall be in the same
42 manner as prescribed in section 16-311. Any person who does not file a
43 timely nomination paper shall not be counted in the tally of ballots. The
44 filing officer shall not accept the nomination paper of a candidate for state

1 or local office unless the candidate provides or has provided both of the
2 following:

3 1. A political committee statement of organization or the five hundred
4 dollar threshold exemption statement for that office.

5 2. The financial disclosure statement as prescribed for candidates for
6 that office.

7 C. The secretary of state shall notify the various boards of
8 supervisors as to write-in candidates filing with the secretary of state's
9 office. The county school superintendent shall notify the appropriate board
10 of supervisors as to write-in candidates filing with the superintendent's
11 office. The board of supervisors shall notify the appropriate election board
12 inspector of all candidates who have properly filed such statements. In the
13 case of a city or town election, the city or town clerk shall notify the
14 appropriate election board inspector of candidates properly filed. No other
15 write-ins shall be counted. The election board inspector shall post the
16 notice of official write-in candidates in a conspicuous location within the
17 polling place.

18 D. Except as provided in section 16-343, subsection E, a candidate may
19 not file pursuant to this section if any of the following applies:

20 1. For a candidate in the general election, the candidate ran in the
21 immediately preceding primary election and failed to be nominated to the
22 office sought in the current election.

23 2. For a candidate in the general election, the candidate filed a
24 nomination petition for the immediately preceding primary election for the
25 office sought and failed to provide a sufficient number of valid petition
26 signatures as prescribed by section 16-322.

27 3. For a candidate in the primary election, the candidate filed a
28 nomination petition for the current primary election for the office sought
29 and failed to provide a sufficient number of valid petition signatures as
30 prescribed by section 16-322.

31 4. For a candidate in the general election, the candidate filed a
32 nomination petition for nomination other than by primary for the office
33 sought and failed to provide a sufficient number of valid petition signatures
34 as prescribed by section 16-341.

35 E. A person who files a nomination paper pursuant to this section for
36 the office of president of the United States shall designate in writing to
37 the secretary of state at the time of filing the name of the candidate's
38 vice-presidential running mate, the names of presidential electors who will
39 represent that candidate and a statement signed by the vice-presidential
40 running mate and designated presidential electors that indicates their
41 consent to be designated. A nomination paper for each presidential elector
42 designated shall be filed with the candidate's nomination paper. The number
43 of presidential electors shall equal the number of United States senators and
44 representatives in Congress from this state.

1 Sec. 8. Section 16-411, Arizona Revised Statutes, is amended to read:
2 16-411. Designation of election precincts and polling places:
3 electioneering

4 A. The board of supervisors of each county ~~shall~~, on or before
5 December 1 of each year preceding the year of a general election, by an
6 order, SHALL establish a convenient number of election precincts in the
7 county and define the boundaries thereof OF THE PRECINCTS. Such election
8 precinct boundaries shall be so established as included within election
9 districts prescribed by law for elected officers of the state and its
10 political subdivisions including community college district precincts, except
11 those elected officers provided for in titles 30 and 48.

12 B. Not less than twenty days before a general or primary election, and
13 at least ten days before a special election, the board shall designate one
14 polling place within each precinct where the election shall be held. Upon a
15 specific finding of the board, included in the order or resolution
16 designating polling places pursuant to this subsection, that no suitable
17 polling place is available within a precinct, a polling place for such
18 precinct may be designated within an adjacent precinct. Adjacent precincts
19 may be combined if boundaries so established are included in election
20 districts prescribed by law for state elected officials and political
21 subdivisions including community college districts but not including elected
22 officials prescribed by titles 30 and 48. The officer in charge of elections
23 may also split a precinct for administrative purposes. Any such polling
24 places shall be listed in separate sections of the order or resolution.

25 C. If the board fails to designate the place for holding the election,
26 or if it cannot be held at or about the place designated, the justice of the
27 peace in the precinct ~~shall~~, two days before the election, by an order,
28 copies of which he shall immediately post in three public places in the
29 precinct, SHALL designate the place within the precinct for holding the
30 election. If there is no justice of the peace in the precinct, or if the
31 justice of the peace fails to do so, the election board of the precinct shall
32 designate and give notice of the place within the precinct of holding the
33 election. For any election in which there are no candidates for elected
34 office appearing on the ballot, the board may consolidate polling places and
35 precinct boards and may consolidate the tabulation of results for that
36 election if all of the following apply:

37 1. All affected voters are notified by mail of the change at least
38 thirty-three days before the election.

39 2. Notice of the change in polling places includes notice of the new
40 voting location, notice of the hours for voting on election day and notice of
41 the telephone number to call for voter assistance.

42 3. All affected voters receive information on early voting that
43 includes the application used to request an early voting ballot.

44 D. The board is not required to designate a polling place for special
45 district mail ballot elections held pursuant to article 8.1 of this chapter,

1 but the board may designate one or more sites for voters to deposit marked
2 ballots until 7:00 p.m. on the day of the election.

3 E. Except as provided in subsection F OF THIS SECTION, a public school
4 shall provide sufficient space for use as a polling place for any city,
5 county or state election when requested by the officer in charge of
6 elections.

7 F. The principal of the school may deny a request to provide space for
8 use as a polling place for any city, county or state election if, within two
9 weeks after a request has been made, he provides a written statement
10 indicating a reason the election cannot be held in the school, including any
11 of the following:

12 1. Space is not available at the school.

13 2. The safety or welfare of the children would be jeopardized.

14 G. The board shall make available to the public as a public record a
15 list of the polling places for all precincts in which the election is to be
16 held including identification of polling place changes that were submitted to
17 the United States department of justice for approval.

18 H. Except in the case of an emergency, any facility that is used as a
19 polling place on election day shall allow ~~electioneering~~ PERSONS TO
20 ELECTIONEER and ENGAGE IN other political activity outside of the
21 seventy-five foot limit prescribed by section 16-515 in public areas and
22 parking lots used by voters. THIS SUBSECTION SHALL NOT BE CONSTRUED TO
23 PERMIT THE TEMPORARY OR PERMANENT CONSTRUCTION OF STRUCTURES IN PUBLIC AREAS
24 AND PARKING LOTS OR THE BLOCKING OR OTHER IMPAIRMENT OF ACCESS TO PARKING
25 SPACES FOR VOTERS.

26 Sec. 9. Section 16-515, Arizona Revised Statutes, is amended to read:

27 16-515. "Seventy-five foot limit" notices; posting; violation;
28 classification

29 A. EXCEPT AS PRESCRIBED IN THIS SECTION AND SECTION 16-580, A PERSON
30 SHALL NOT BE ALLOWED TO REMAIN INSIDE THE SEVENTY-FIVE FOOT LIMIT WHILE THE
31 POLLS ARE OPEN, EXCEPT FOR THE PURPOSE OF VOTING, AND EXCEPT THE ELECTION
32 OFFICIALS, ONE REPRESENTATIVE AT ANY ONE TIME OF EACH POLITICAL PARTY
33 REPRESENTED ON THE BALLOT WHO HAS BEEN APPOINTED BY THE COUNTY CHAIRMAN OF
34 THAT POLITICAL PARTY AND THE CHALLENGERS ALLOWED BY LAW, AND NO POLITICAL OR
35 ELECTIONEERING MATERIALS MAY BE DISPLAYED WITHIN THE SEVENTY-FIVE FOOT LIMIT.
36 VOTERS HAVING CAST THEIR BALLOTS SHALL PROMPTLY MOVE OUTSIDE THE SEVENTY-FIVE
37 FOOT LIMIT.

38 ~~A-~~ B. The board of supervisors shall furnish, with the ballots for
39 each polling place, three notices, printed in letters not less than two
40 inches high, reading WITH THE HEADING: "Seventy-five foot limit" and
41 underneath that heading the following:

42 No person shall be allowed to remain inside these limits while
43 the polls are open, except for the purpose of voting, and except
44 the election officials, one representative at any one time of
45 each political party represented on the ballot who has been

1 appointed by the county chairman of such political party, and
2 the challengers allowed by law. Voters having cast their
3 ballots shall at once retire without the seventy-five foot
4 limit. A person violating any provision of this notice is
5 guilty of a class 2 misdemeanor.

6 ~~B-~~ C. A minor voting in a simulated election at a polling place is
7 subject to the same seventy-five foot limit restrictions prescribed for a
8 voter. Persons supervising or working in a simulated election in which
9 minors vote may remain within the seventy-five foot limit of the polling
10 place. The inspector for the polling place shall exercise authority over all
11 election and simulated election related activities at the polling place.

12 ~~C-~~ D. For an election that is held by an Indian tribe and that is
13 held at a polling place at the same time and on the same date as any other
14 election, the following apply:

15 1. A person who is voting is subject to the same seventy-five foot
16 limit restrictions prescribed for other voters.

17 2. An election official for the tribal election may remain within the
18 seventy-five foot limit for the polling place.

19 ~~D-~~ E. With the permission of the voter, a minor may enter and remain
20 within the seventy-five foot limit in order to accompany a voter into a
21 polling place, an on-site early voting facility and a voting booth while the
22 voter is voting.

23 ~~E-~~ F. Any person violating any provision of the seventy-five foot
24 limit notice THIS SECTION is guilty of a class 2 misdemeanor.

25 Sec. 10. Section 16-564, Arizona Revised Statutes, is amended to read:

26 16-564. Opening, exhibiting and locking ballot box before
27 receipt of ballots; removal and opening of box

28 A. Before receiving any ballots the election board shall, in the
29 presence of the persons assembled at the polling place, SHALL open, exhibit
30 and lock the ballot box, and thereafter it shall not be removed from the
31 polling place or presence of the bystanders until all ballots are counted,
32 nor opened until after the polls are finally closed, EXCEPT IN THE CASE OF AN
33 EMERGENCY THAT RENDERES THE POLLING PLACE UNUSABLE TO THE POINT WHERE IT CAN
34 NO LONGER FUNCTION AS A POLLING PLACE BECAUSE LAW ENFORCEMENT OR OTHER
35 EMERGENCY PERSONNEL HAVE ORDERED THAT THE POLLING PLACE BE EVACUATED OR AS
36 DETERMINED BY THE OFFICER IN CHARGE OF ELECTIONS TO ALLOW VOTING TO CONTINUE
37 WHILE AWAITING AN EVACUATION ORDER FROM LAW ENFORCEMENT OR OTHER EMERGENCY
38 PERSONNEL.

39 B. IF A LOCKED BALLOT BOX MUST BE MOVED FROM A POLLING PLACE DUE TO AN
40 EMERGENCY, AT LEAST TWO MEMBERS OF THE ELECTION BOARD FROM THAT POLLING PLACE
41 WHO ARE NOT MEMBERS OF THE SAME POLITICAL PARTY SHALL ACCOMPANY THE LOCKED
42 BALLOT BOX TO A NEW POLLING PLACE DESIGNATED BY THE OFFICER IN CHARGE OF
43 ELECTIONS, SUBJECT TO THE FOLLOWING:

44 1. IF PRACTICABLE AND AVAILABLE, A LAW ENFORCEMENT OFFICER SHALL AID
45 IN THE TRANSFER OF THE LOCKED BALLOT BOX.

1 2. IF TWO MEMBERS OF THE ELECTION BOARD FROM THAT POLLING PLACE ARE
2 NOT AVAILABLE, ONE MEMBER OF THE ELECTION BOARD AND ONE LAW ENFORCEMENT
3 OFFICER MAY ACCOMPANY THE LOCKED BALLOT BOX TO THE NEW POLLING PLACE.

4 C. IF A BALLOT BOX WAS MOVED DUE TO AN EMERGENCY, TWO ADDITIONAL BOARD
5 MEMBERS SHALL VERIFY WHETHER THE LOCKED BALLOT BOX ARRIVED AT THE NEW POLLING
6 PLACE LOCATION AND THAT IT WAS NOT OPENED OR DAMAGED.

7 D. ALL ELECTION BOARD MEMBERS WHO ACCOMPANIED THE LOCKED BALLOT BOX TO
8 THE NEW LOCATION AND THE ONE OR TWO ELECTION BOARD MEMBERS WHO VERIFIED THE
9 BALLOT BOX'S ARRIVAL SHALL FILE A REPORT WITH THE OFFICER IN CHARGE OF
10 ELECTIONS THAT DESCRIBES THE ACTIONS TAKEN BY THE ELECTION BOARD MEMBERS.
11 THIS REPORT SHALL BE FILED ON THE DAY OF THE EMERGENCY.

12 E. ON THE DAY THAT AN EMERGENCY OCCURS AS PRESCRIBED IN SUBSECTION A,
13 ALL ELECTION BOARD MEMBERS, INCLUDING THOSE WHO AIDED IN THE TRANSFER AND
14 VERIFICATION OF THE LOCKED BALLOT BOX, SHALL INDICATE ON THE OFFICIAL
15 DOCUMENTS CONTAINING THEIR OATH WHETHER THEY WITNESSED THE TRANSFER OF THE
16 BALLOT BOX AND WHETHER THE BALLOT BOX REMAINED LOCKED.

17 F. IF DURING THE COURSE OF AN ELECTION DAY THE BALLOT BOX CAN NO
18 LONGER ACCOMMODATE ADDITIONAL BALLOTS, THE BOARD MEMBERS MAY REMOVE A
19 SUFFICIENT NUMBER OF BALLOTS FROM THE BALLOT BOX AND SHALL PLACE THE REMOVED
20 BALLOTS INTO THE CASE THAT WILL BE USED FOR THE TRANSFER OF THE BALLOTS TO
21 THE OFFICER IN CHARGE OF ELECTIONS. THE INSPECTOR AND BOTH JUDGES SHALL
22 OVERSEE THE TRANSFER AND THE FOLLOWING SHALL APPLY:

23 1. AN IMMEDIATE COUNT OF THE NUMBER OF BALLOTS REMOVED SHALL BE MADE
24 BY THE ELECTION BOARD MEMBERS AND A SHEET INDICATING THE COUNT AND SIGNED BY
25 THE BOARD MEMBERS SUPERVISING THE COUNT SHALL BE PLACED IN THE TRANSFER CASE
26 WITH THE REMOVED BALLOTS AND SHALL BE KEPT SEALED FOR THE REMAINDER OF THE
27 ELECTION DAY.

28 2. ONCE THE REMOVED BALLOTS ARE SEALED IN THE TRANSFER CASE, THE
29 ORIGINAL BALLOT BOX SHALL BE RELOCKED AND VOTING MAY CONTINUE.

30 3. AT THE CLOSE OF THE POLLS, THE REMOVED BALLOTS AND THE BALLOTS IN
31 THE LOCKED BALLOT BOX SHALL BE MOVED TOGETHER TO THE TABULATING PLACE
32 DESIGNATED BY THE OFFICER IN CHARGE OF ELECTIONS.

33 G. AT THE CLOSE OF THE POLLS, IF A BALLOT BOX HAS BEEN TRANSFERRED TO
34 A NEW POLLING PLACE OR A BALLOT BOX HAS BEEN OPENED, A REPORT DETAILING THOSE
35 EVENTS AND OTHER PERTINENT INFORMATION SHALL BE MADE BY THE OFFICER IN CHARGE
36 OF ELECTIONS TO THE CHAIRPERSONS OF ALL RECOGNIZED POLITICAL PARTIES IN THAT
37 COUNTY.

38 Sec. 11. Section 16-580, Arizona Revised Statutes, is amended to read:
39 16-580. Manner of voting: assistance for certain electors

40 A. Except as prescribed by subsection G of this section, only one
41 person per voting booth shall be permitted at any one time to sign for the
42 receipt of a ballot and to wait for an opportunity to vote.

43 B. On receiving a ballot the voter shall promptly and without leaving
44 the voting area retire alone, except as provided in subsection G of this
45 section, to one of the voting booths that is not occupied, prepare the ballot

1 in secret and vote in the manner and substantial form as required by the
2 instruction to voters.

3 C. In order that the rights of other voters shall not be interfered
4 with, a voter shall not be allowed to occupy a voting booth for more than
5 five minutes when other voters are waiting to occupy the booth. If the voter
6 refuses to leave after the lapse of five minutes the voter may be removed by
7 the judges. If a voter has not completed a ballot after the allotted five
8 minutes, the voter may request the marshal to hold the ballot and when
9 another booth is empty and all voters present have had an opportunity to vote
10 the removed person may be allowed an additional five minutes in the booth.

11 D. Before leaving the voting booth the voter shall fold the ballot
12 lengthwise and crosswise, or place the voter's card in the ballot envelope,
13 but in such a way that the contents of the ballot shall be concealed and the
14 stub, if any, can be removed without exposing the contents of the ballot and
15 shall keep the ballot folded until the voter has delivered it to the
16 inspector, or judge acting as such.

17 E. The election board official shall receive the ballot from the voter
18 and in the presence of the election board and if the ballot includes a stub,
19 remove the stub without opening the ballot, deposit the ballot in the ballot
20 box, or if the voter so requests, hand the ballot to the voter and permit the
21 voter to deposit the ballot in the ballot box, and string the stub, if any,
22 upon a string provided. If the ballot is of the type that includes a stub
23 and the stub has been removed from the ballot prior to receipt by the
24 election official, it shall not be deposited in the ballot box, but it shall
25 be marked "spoiled" and placed with the spoiled ballots.

26 F. After delivery of the ballot to the election board official, or if
27 the voter has asked to deposit the ballot in the ballot box, after the ballot
28 is deposited, the voter shall then proceed outside the voting area and shall
29 not again enter the voting area unless the voter is an authorized election
30 official.

31 G. Any registered voter may, at the voter's option, be accompanied by
32 a minor who is permitted in the voting booth pursuant to section 16-515,
33 subsection D- E, be accompanied and assisted by a person of the voter's own
34 choice or be assisted by two election officials, one from each major
35 political party, during any process relating to voting or during the actual
36 process of voting on a paper ballot, machine or electronic voting system. A
37 person who is a candidate for an office in that election other than the
38 office of precinct committeeman is not eligible to assist any voter.

39 Sec. 12. Section 16-624, Arizona Revised Statutes, is amended to read:

40 16-624. Disposition of official returns and ballots

41 ~~A. Upon receipt of the packages and envelopes containing the returns~~
42 ~~and the voted ballots~~ AFTER THE CANVASS HAS BEEN COMPLETED, the officer in
43 charge of elections shall deposit the package or envelope containing the
44 ballots in the safe of A SECURE FACILITY MANAGED BY the county treasurer, who
45 shall keep it unopened and unaltered for twenty-four months for elections for

1 a federal office or for six months for all other elections, at which time
2 he shall destroy it without opening or examining the contents.

3 B. Irregular ballots shall be preserved for six months after the
4 election and the packages containing them may be opened and the contents
5 examined only upon an order of court. At the expiration of such time, the
6 ballots may be disposed of in the discretion of the officer or board having
7 charge of them.

8 C. The officer in charge of elections shall produce the other packages
9 or envelopes before the board of supervisors when it is in session for the
10 purpose of canvassing the returns.

11 D. If a recount is ordered or a contest begun within six months, the
12 county treasurer may be ordered by the court to deliver to it the packages or
13 envelopes containing the ballots, and thereupon they shall be in the custody
14 and control of the court.

15 Sec. 13. Section 16-801, Arizona Revised Statutes, is amended to read:

16 16-801. Representation of new party on ballot at primary and
17 general elections

18 A new political party may become eligible for recognition and shall be
19 represented by an official party ballot at the next ensuing regular primary
20 election and accorded a column on the official ballot at the succeeding
21 general election upon filing with the secretary of state a petition signed by
22 a number of qualified electors equal to not less than one and one-third per
23 cent of the total votes cast for governor ~~or presidential electors~~ at the
24 last preceding general election AT WHICH A GOVERNOR WAS ELECTED. The
25 petition shall:

26 1. Bear the certification of the county recorder of each county that
27 the signatures on the petition have been examined and that these are
28 signatures of qualified electors of the county.

29 2. Be verified by the affidavit of ten qualified electors of the
30 state, asking that the signers thereof be recognized as a new political
31 party. The status as qualified electors of the signers of the affidavit
32 shall be certified by the county recorder of the county in which they reside.

33 3. Be in substantially the form prescribed by section 16-315.

34 4. Be captioned "Petition for political party recognition".

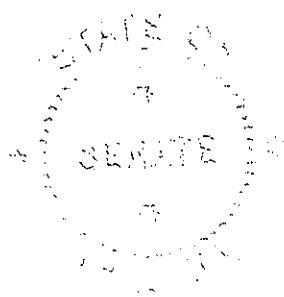
35 Sec. 14. Section 35-454, Arizona Revised Statutes, is amended
36 effective from and after June 30, 2006, to read:

37 35-454. Informational pamphlet for election; review; election;
38 return; canvass of vote; certificate of election

39 A. The governing body or board of the political subdivision shall:

40 1. Not less than ~~ten~~ THIRTY-FIVE days ~~and not more than fifty days~~
41 before the bond election mail a copy of an informational pamphlet to the
42 residence of each EVERY HOUSEHOLD WITHIN THE POLITICAL SUBDIVISION THAT
43 CONTAINS A registered voter within the political subdivision. The pamphlet
44 shall contain information on the:

- 1 (a) Amount of the bond authorization.
2 (b) Maximum interest rate of the bonds.
3 (c) Estimated debt retirement schedule for the current amount of bonds
4 outstanding, showing both principal and interest payments, the current
5 secondary assessed valuation as reported by the department of revenue or the
6 county assessor and the current adopted and estimated tax rates. In this
7 paragraph, "secondary assessed valuation" may include the values used to
8 determine voluntary contributions collected pursuant to title 9, chapter 4,
9 article 3 and title 48, chapter 1, article 8.
10 (d) Estimated debt retirement schedule for the proposed bond
11 authorization, showing both the estimated principal and interest payments and
12 the estimated average annual tax rate for the proposed bond authorization. In
13 preparing this information and the information prescribed by subdivision (c),
14 the projected total annual increase in secondary assessed valuation for any
15 future year shall not exceed:
16 (i) For the first five years of the estimated debt retirement
17 schedule, the average of the annual percentage growth for the previous ten
18 years in the secondary assessed valuation of the political subdivision.
19 (ii) For the remaining years of the estimated debt retirement
20 schedule, twenty per cent of the average of the annual percentage growth for
21 the previous ten years in the secondary assessed valuation of the political
22 subdivision.
23 (e) Source of repayment.
24 (f) Estimated issuance costs.
25 (g) Estimated tax impact on the owner-occupied residential property,
26 agricultural property and commercial and industrial property for the current
27 year in the political subdivision. The tax impact shall be shown for
28 property with a full cash value of one hundred thousand dollars and for
29 property with an average assessed valuation for that class, as determined by
30 the governing body or board. The tax impact shall show the projected average
31 annual cost of the proposed bond authorization, including principal and
32 interest, over the life of the proposed bond authorization. The information
33 on estimated tax impact shall be set forth in substantially the following
34 form:
35 Estimated average annual tax rate per \$100 of secondary assessed
36 valuation: \$ _____
37 [The following table for each specified class of property]
38 _____ property
39 (assessed at ____%)



1	<u>Assessor's full</u>	<u>Secondary assessed</u>	<u>Estimated annual cost</u>
2	<u>cash value</u>	<u>value</u>	
3		(*)	\$ _____
4	\$100,000		\$ _____
5	(Other values		
6	may be included)		\$ _____
7	(*) Estimated average value		

8 (h) In bold faced type, estimated total cost of the proposed bond
9 authorization, including principal and interest.

10 (i) Current outstanding general obligation debt and constitutional
11 debt limitation.

12 (j) Purpose for which the bonds are to be issued.

13 (k) Polling location for the addressee.

14 (l) Hours during the day when the polls will be open.

15 (m) Arguments for and against the authorization of one or more of the
16 bond propositions.

17 2. Submit a copy of the informational pamphlet to the department of
18 revenue within thirty days after the bond election. The department of
19 revenue shall maintain copies of the pamphlets.

20 B. The failure of any one or more electors to receive the
21 informational pamphlet shall not be grounds to invalidate the election. The
22 election shall conform with the general election laws of the state. The
23 return of the election held in a county shall be made to the board of
24 supervisors and, in any other case, to the governing body or board of the
25 municipal corporation or district within twelve days after the election.

26 C. For any proposed general obligation bond authorization where the
27 principal and interest will be paid by a levy of property taxes, the ballot
28 shall contain the phrase "the issuance of these bonds will result in an
29 annual levy of property taxes sufficient to pay the debt on the bonds".

30 D. If the governing body intends to use revenues other than property
31 taxes to pay the debt on proposed general obligation bonds, the ballot shall
32 contain the phrase "the issuance of these bonds will result in an annual levy
33 of property taxes sufficient to pay the debt on the bonds, unless the
34 governing body provides for payment from other sources".

35 E. The board of supervisors, governing body or governing board shall
36 hold a special meeting within twenty days after the election to canvass the
37 votes cast and certify the result. The certificate of the result shall be
38 prima facie evidence of full performance of all conditions and requirements
39 precedent to holding the election.

40 F. The governing board or body shall file and record in the office of
41 the county recorder a certificate disclosing the purpose of the election, the
42 total number of votes cast and the total number of votes for and against
43 creating the indebtedness, and stating whether or not the indebtedness is
44 ordered. Upon filing and recording the certificate, the governing board or
45 body shall carry out the purpose of the election.

1 G. Variations between the estimates required by subsection A and the
2 actual debt retirement schedules, issuance costs, annual and total costs and
3 tax rates shall not invalidate either the election or the bonds.

4 Sec. 15. Section 48-144, Arizona Revised Statutes, is amended
5 effective from and after June 30, 2006, to read:

6 48-144. Resolution calling bond election; publication

7 A. The board of directors shall adopt a resolution calling an election
8 upon the question of the issuance of the bonds. The resolution shall state
9 in substance:

- 10 1. The maximum amount of bonds to be issued.
- 11 2. The purpose for which the bonds are to be issued.
- 12 3. The maximum rate of interest which the bonds are to bear.
- 13 4. A brief, concise statement, which need not include any detail other
14 than the mere statement of the fact, showing that the bonds will be payable
15 solely from revenues.

- 16 5. The date on which the election is to be held.
- 17 6. The places where votes may be cast.
- 18 7. The hours between which such polling places will be open.

19 B. The election resolution shall be posted in three public places in
20 each division of the district for at least fifteen days prior to the date of
21 the election and shall be published at least once not less than fifteen days
22 nor more than thirty days prior to the date of the election in a newspaper of
23 general circulation published in the county in which the office of the board
24 of directors of the district is located.

25 C. INSTEAD OF PUBLISHING THE NOTICE DESCRIBED IN SUBSECTION A, THE
26 BOARD OF DIRECTORS MAY, AND FOR A NONRESIDENT QUALIFIED ELECTOR OF THE
27 DISTRICT SHALL, MAIL A NOTICE OF ELECTION TO EACH HOUSEHOLD CONTAINING A
28 QUALIFIED ELECTOR OF THE DISTRICT. THE NOTICE SHALL CONTAIN THE SAME
29 INFORMATION DESCRIBED IN SUBSECTION A, PARAGRAPHS 1 THROUGH 5 AND THE POLLING
30 PLACE FOR THAT HOUSEHOLD'S QUALIFIED ELECTORS AND THE TIMES IT IS OPEN. THE
31 NOTICE SHALL BE MAILED AT LEAST THIRTY-FIVE DAYS BEFORE THE ELECTION.

32 Sec. 16. Section 48-261, Arizona Revised Statutes, is amended to read:

33 48-261. District creation; procedures; notice; hearing;
34 determinations; petitions

35 A. A fire district, community park maintenance district, sanitary
36 district or hospital district for either a hospital or an urgent care center
37 shall be created by the following procedures:

- 38 1. Any person desiring to propose creation of a district shall prepare
39 and submit a district impact statement to the board of supervisors of the
40 county in which the district is to be located. If a proposed district is
41 located in more than one county, the impact statement shall be submitted to
42 the board of supervisors of the county in which the majority of the assessed
43 valuation of the proposed district is located. The boards of supervisors of
44 any other counties in which a portion of the district is to be located shall
45 provide information and assistance to the responsible board of

1 supervisors. If the person desiring to create a district pursuant to this
2 section is unable to complete the district impact statement, the board of
3 supervisors may assist in the completion of the impact statement if requested
4 to do so, provided the bond required in subsection C of this section is in an
5 amount sufficient to cover any additional cost to the county. The district
6 impact statement shall contain at least the following information:

7 (a) A legal description of the boundaries of the proposed district and
8 a detailed, accurate map of the area to be included in the district.

9 (b) An estimate of the assessed valuation within the proposed
10 district.

11 (c) An estimate of the change in the property tax liability, as a
12 result of the proposed district, of a typical resident of the proposed
13 district.

14 (d) A list and explanation of benefits that will result from the
15 proposed district.

16 (e) A list and explanation of the injuries that will result from the
17 proposed district.

18 (f) The names, addresses and occupations of the proposed members of
19 the district's organizing board of directors.

20 2. On receipt of the district impact statement, the board of
21 supervisors shall set a day, not fewer than thirty nor more than sixty days
22 from that date, for a hearing on the impact statement. The board of
23 supervisors may, at any time prior to making a determination pursuant to
24 paragraph 4 of this subsection, MAY require that the impact statement be
25 amended to include any information that the board of supervisors deems to be
26 relevant and necessary.

27 3. Upon receipt of the district impact statement, the clerk of the
28 board of supervisors shall mail, by first class mail, written notice of the
29 statement, its purpose and notice of the day, hour and place of the hearing
30 on the proposed district to each owner of taxable property and TO each
31 HOUSEHOLD IN WHICH A qualified elector RESIDES within the boundaries of the
32 proposed district. The clerk of the board of supervisors shall post the
33 notice in at least three conspicuous public places in the area of the
34 proposed district and shall publish twice in a daily newspaper of general
35 circulation in the area of the proposed district, at least ten days before
36 the hearing, or, if no daily newspaper of general circulation exists in the
37 area of the proposed district, then at least twice at any time before the
38 date of the hearing, a notice setting forth the purpose of the impact
39 statement, the description of the area of the proposed district and the day,
40 hour and place of the hearing.

41 4. At the hearing called pursuant to paragraph 2 of this subsection,
42 the board of supervisors shall hear those who appear for and against the
43 proposed district and shall determine whether the creation of the district
44 will promote public health, comfort, convenience, necessity or welfare. If
45 the board of supervisors determines that the public health, comfort,

1 convenience, necessity or welfare will be promoted, it shall approve the
2 district impact statement and authorize the persons proposing the district to
3 circulate petitions as provided in this subsection. The order of the board
4 of supervisors shall be final, but if the request to circulate petitions is
5 denied, a subsequent request for a similar district may be refiled with the
6 board of supervisors after six months from the date of such denial.

7 5. Within fifteen days after receiving the approval of the board of
8 supervisors as prescribed by paragraph 4 of this subsection, the clerk of the
9 board shall determine the minimum number of signatures required for
10 compliance with paragraph 7, subdivision (d) of this subsection. After
11 making that determination, that number of signatures shall remain fixed,
12 notwithstanding any subsequent changes in voter registration records.

13 6. After receiving the approval of the board of supervisors as
14 provided in paragraph 4 of this subsection, the person proposing the district
15 may circulate and present petitions to the board of supervisors of the county
16 in which the district is located. All petitions circulated shall be returned
17 to the board of supervisors within one year from the date of the approval of
18 the board of supervisors pursuant to paragraph 4 of this subsection. Any
19 petition that is returned more than one year from that date is void.

20 7. The petitions presented pursuant to paragraph 6 of this subsection
21 shall comply with the provisions regarding petition form in section 48-265
22 and verification in section 48-266 and shall:

23 (a) At all times, contain a legal description of the boundaries of the
24 proposed district and a detailed, accurate map of the proposed district and
25 the names, addresses and occupations of the proposed members of the
26 district's organizing board of directors. No alteration of the proposed
27 district shall be made after receiving the approval of the board of
28 supervisors as provided in paragraph 4 of this subsection.

29 (b) If a petition of property owners, be signed by more than one-half
30 of the property owners in the area of the proposed district.

31 (c) If a petition of property owners, be signed by persons owning
32 collectively more than one-half of the assessed valuation of the property in
33 the area of the proposed district.

34 (d) If a petition of qualified electors, be signed by more than
35 one-half of the qualified electors within the boundaries of the proposed
36 district.

37 8. On receipt of the petitions, the board of supervisors shall set a
38 day, not fewer than ten nor more than thirty days from that date, for a
39 hearing on the petition.

40 9. Prior to the hearing called pursuant to paragraph 8 of this
41 subsection, the board of supervisors shall determine the validity of the
42 petitions presented.

43 10. At the hearing called pursuant to paragraph 8 of this subsection,
44 the board of supervisors, if the petitions are valid, shall order the
45 creation of the district. The board of supervisors shall enter its order

1 setting forth its determination in the minutes of the meeting, not later than
2 ten days from the day of the hearing, and a copy of the order shall be filed
3 in the county recorder's office. The order of the board of supervisors shall
4 be final, and the proposed district shall be created thirty days after the
5 board of supervisors votes to create the district. A decision of the board
6 of supervisors under this subsection is subject to judicial review under
7 title 12, chapter 7, article 6.

8 B. For the purpose of determining the validity of the petitions
9 presented pursuant to subsection A, paragraph 6 of this section:

10 1. Qualified electors shall be those persons qualified to vote
11 pursuant to title 16.

12 2. For the purposes of fulfilling the requirements of subsection A,
13 paragraph 7, subdivisions (b) and (c) of this section, property held in
14 multiple ownership shall be treated as if it had only one property owner, so
15 that the signature of only one of the owners of property held in multiple
16 ownership is required on the formation petition.

17 3. The value of property shall be determined as follows:

18 (a) In the case of property assessed by the county assessor, values
19 shall be the same as those shown on the last assessment roll of the county
20 containing such property.

21 (b) In the case of property valued by the department of revenue, the
22 values shall be those determined by the department in the manner provided by
23 law, for municipal assessment purposes. The county assessor and the
24 department of revenue, respectively, shall furnish to the board of
25 supervisors, within twenty days after such a request, a statement in writing
26 showing the owner, the address of each owner and the appraisal or assessment
27 value of properties contained within the boundaries of the proposed district
28 as described in subsection A of this section.

29 C. The board of supervisors may require of the person desiring to
30 propose creation of a district pursuant to subsection A, paragraph 1 of this
31 section a reasonable bond to be filed with the board at the start of
32 proceedings under this section. The bond shall be in an amount sufficient to
33 cover costs incurred by the county if the district is not finally organized.
34 County costs covered by the bond include any expense incurred from completion
35 of the district impact statement, mailing of the notice of hearing to
36 district property owners and electors, publication of the notice of hearing
37 and other expenses reasonably incurred as a result of any requirements of
38 this section. The requirements of this subsection do not apply to proposed
39 districts having fewer than one hundred qualified electors.

40 D. If a district is created pursuant to this section, the cost of
41 publication of the notice of hearing, the mailing of notices to electors and
42 property owners and all other costs incurred by the county as a result of the
43 provisions of this section shall be a charge against the district.

44 E. If a proposed district would include property located within an
45 incorporated city or town, in addition to the other requirements of

1 subsection A of this section, the board shall approve the creation and
2 authorize the circulation of petitions only if the governing body of the city
3 or town has by ordinance or resolution endorsed such creation.

4 F. Except as provided in section 48-2001, subsection A, the area of a
5 district created pursuant to this section shall be contiguous.

6 G. A district organized pursuant to this section shall have an
7 organizing board of directors to administer the affairs of the district until
8 a duly constituted board of directors is elected as provided in this
9 title. The organizing board shall have all the powers, duties and
10 responsibilities of an elected board. The organizing board shall consist of
11 the three individuals named in the district impact statement and the
12 petitions presented pursuant to subsection A of this section. If a vacancy
13 occurs on the organizing board, the remaining board members shall fill the
14 vacancy by appointing an interim member. Members of the organizing board
15 shall serve without compensation but may be reimbursed for actual expenses
16 incurred in performing their duties. The organizing board shall elect from
17 its members a chairman and a clerk.

18 H. For the purposes of this section:

19 1. Assessed valuation does not include the assessed valuation of
20 property that is owned by a county.

21 2. Property owner does not include a county.

22 Sec. 17. Section 48-806, Arizona Revised Statutes, is amended
23 effective from and after June 30, 2006, to read:

24 48-806. Bond election; issuance and sale of bonds

25 A. The district board or the elected chief and secretary-treasurer may
26 order an election by the qualified electors of the district to be held
27 pursuant to title 16, chapter 2, article 1 to determine whether bonds shall
28 be issued on behalf of the district. The order shall specify the maximum
29 principal amount of bonds to be issued, the maximum number of years bonds of
30 any issue or series may run from their date not exceeding thirty years, the
31 purpose for which the bonds are to be issued, the maximum rate of interest
32 which the bonds are to bear, the date and hours of the election and the
33 location of the polling places. Copies of the order shall be posted in three
34 public places within the district not less than twenty days prior to the date
35 of the election, and if a newspaper is published within the county having a
36 general circulation within the district, the order shall be published in the
37 newspaper not less than once a week during each of the three calendar weeks
38 preceding the calendar week of the election.

39 B. INSTEAD OF PUBLISHING THE NOTICE DESCRIBED IN SUBSECTION A, THE
40 BOARD OF DIRECTORS MAY MAIL A NOTICE OF ELECTION TO EACH HOUSEHOLD CONTAINING
41 A QUALIFIED ELECTOR OF THE DISTRICT. THE NOTICE SHALL CONTAIN THE SAME
42 INFORMATION DESCRIBED IN SUBSECTION A EXCEPT THAT THE NOTICE SHALL NOT
43 CONTAIN THE LOCATION OF ALL THE POLLING PLACES FOR THAT ELECTION. THE NOTICE
44 SHALL CONTAIN THE LOCATION OF THE POLLING PLACE FOR THAT HOUSEHOLD'S

1 QUALIFIED ELECTORS. THE NOTICE SHALL BE MAILED AT LEAST THIRTY-FIVE DAYS
2 BEFORE THE ELECTION.

3 ~~B.~~ C. At the election the ballot shall contain the phrases "for the
4 bonds" and "against the bonds". There shall be placed a square or other
5 designated marking space in the same manner as used for candidates on
6 ballots. The voter shall indicate a vote "for the bonds" or "against the
7 bonds". No other question, word or figure need be printed on the
8 ballot. The ballot need not be any particular size, nor need sample ballots
9 be printed, posted or distributed.

10 ~~E.~~ D. If a majority of the qualified electors of the district voting
11 at the election approves the issuance of bonds, the district board or the
12 elected chief and secretary-treasurer, as appropriate, may issue bonds in an
13 aggregate principal amount not exceeding the lesser of five per cent of the
14 value of the taxable property in the district as shown on the last property
15 tax assessment roll before issuing the bonds or the maximum amount specified
16 in the election order.

17 ~~E.~~ E. Bonds may be in such denominations, may be in registered or
18 bearer form either as to principal or interest, or both, may mature at such
19 times not exceeding the maximum maturity specified in the election order and
20 may be subject to redemption prior to maturity, all as specified by the
21 district board or elected chief and secretary-treasurer, as appropriate, as
22 provided in subsection ~~E.~~ D. The district may engage the services of a
23 depository to administer a book entry system for the bonds. The costs and
24 expenses of such depository and any registrar or paying agent for the bonds
25 shall be deemed to be interest expenses that may also be paid from the tax
26 levy made pursuant to subsection ~~E.~~ H of this section.

27 ~~E.~~ F. Bonds shall be executed by the manual or facsimile signatures
28 of the chairman and clerk of the district board or elected chief and
29 secretary-treasurer of the district. Coupons attached to the bonds shall
30 bear the facsimile signature of the chairman of the district board or the
31 elected chief of the district, as appropriate.

32 ~~F.~~ G. The district board may sell the bonds at public or private sale
33 or through an on-line bidding process. In addition, the district board may
34 negotiate loan agreements or loan repayment agreements with the greater
35 Arizona development authority in lieu of selling bonds where authority to
36 sell bonds has been granted by the district's voters. The proceeds of sale
37 on the bonds shall be deposited in an account of the fire district fund to be
38 known as the capital fund to be applied for the purpose for which the bonds
39 were issued.

40 ~~G.~~ H. After the bonds are issued, the district board or elected chief
41 and secretary-treasurer, as appropriate, shall enter on ~~its~~ THE DISTRICT'S
42 minutes a record of the bonds sold and shall annually determine the amount of
43 the tax levy to pay the bonds and certify such amount to the board of
44 supervisors of the county. The board of supervisors shall annually cause to
45 be levied and collected a tax, at the same time and in the same manner as

1 other taxes are levied and collected upon all taxable property in the
2 district, sufficient to pay principal of and interest on the bonds as they
3 become due and payable. Monies derived from the levy of the tax when
4 collected shall be deposited in the debt service fund and shall be applied
5 only to payment of the principal of and interest on the bonds. On payment of
6 the outstanding bonded indebtedness of the district, any monies remaining in
7 the debt service fund shall be used to reduce the district's property tax
8 levy in the next fiscal year.

9 Sec. 18. Section 48-815, Arizona Revised Statutes, is amended to read:

10 48-815. Dissolution of fire district; disposition of claims and
11 fund balance

12 A. If a petition is filed with the governing body of the fire district
13 containing the signatures of at least ten per cent of the qualified electors
14 of the district, which asks for dissolution of the district, the governing
15 body of the district shall call an election as provided in section 48-802
16 within the district to decide whether the district shall be dissolved. The
17 words appearing upon the ballots shall be "dissolution of _____
18 fire district -- yes", "dissolution of _____ fire district
19 -- no".

20 B. The elected chief or the chairman of the district board shall
21 execute a certificate, attested by the secretary-treasurer or the clerk of
22 the district board, setting forth the results of the election of the district
23 and within five days thereafter file it with the clerk of the board of
24 supervisors. The board of supervisors at its next regular meeting shall make
25 a written order reciting the facts of the certificate and if the district is
26 dissolved list the unpaid valid claims against the district, which shall
27 thereupon be paid by the county treasurer upon warrants drawn from the money
28 available in the fire district fund. The order shall be signed and attested
29 and the original thereof filed in the office of the county recorder, and
30 recorded in the miscellaneous records.

31 C. Upon the recording thereof the fire district shall be abolished,
32 and all money remaining in such fire district fund, after the payment of all
33 valid claims against the district, shall be transferred to the general fund
34 of the county, but if all of the fire district has been included within the
35 corporate limits of a city or town, then, upon disbanding as provided by this
36 section, the equipment, assets and liabilities of the district shall be
37 transferred to such city or town.

38 D. Taxes shall continue to be levied as provided in section 48-806,
39 subsection G- H on all the taxable property within the formal boundaries of
40 the district to pay the principal or any interest on outstanding bonds of the
41 district.

42 Sec. 19. Emergency

43 This act is an emergency measure that is necessary to preserve the
44 public peace, health or safety and is operative immediately as provided by
45 law.

